



Crl.OP.No.14537 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.14537 of 2023

Dinesh Kumar

..Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
(Crime No.204 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner/sole accused on bail in Crime No.204 of
2023 pending on the file of the respondent.

For Petitioner : Mr.Krishnasamy Chinnasamy
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.05.2023 for the offences punishable under Sections 366, 344 of IPC r/w Sections 5(1), 6 of POCSO Act in Crime No.204 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.204 of 2023. It is his submission that, the victim girl and petitioner fell in love with each other and for the said reason, this case is registered falsely against the petitioner. Petitioner has not committed any offence, especially the offences under POCSO Act. Thus, he prays for grant of bail.

3. In reply, the learned Government Advocate (Crl. Side) opposes the petition on the ground that, the victim girl was only 17 years and there was an attempt to conduct marriage between the petitioner and the victim girl. This is an offence under Child Marriage Act. He further submitted that, petitioner committed offence of sexual assault against the victim girl. Therefore, he prays for dismissing the petition.



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4. Considered the rival submissions and perused the records.

The 164 Cr.P.C statement of the victim girl is produced before this Court. This statement only reveals about the love affair between the petitioner and the victim girl and the marriage arrangement made by the victim girl family with another person and then her elopement with the petitioner. She has not stated anything about the sexual assault alleged to have been committed by the petitioner against the victim girl.

5. In the said circumstances, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Court No.1, Ulundurpet** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate, Court No.1,
Ulundurpet.
2. The Sub Jail,
Vedampattu, Villupuram
3. The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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